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January 25, 2002

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ROBERT SCHALLENBERG
Director, Utility Services
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Director, Administration
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Secretary/Chief Regulatory Law Judge
DANA K. JOYCE
General Counsel

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

FILED⁴

JAN 25 2002

Missouri Public
Service Commission

RE: Case No. WA-2002-65

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and eight (8) conformed copies of **STAFF'S RESPONSE TO MOTION TO ESTABLISH LOCAL PUBLIC HEARING**.

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

Victoria L. Kizito
Associate General Counsel
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vkizito@mail.state.mo.us

VK:ccl
Enclosure
cc: Counsel of Record

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

FILED⁴

JAN 25 2002

Missouri Public
Service Commission

Case No. WA-2002-65

In the Matter of the Application of)
Environmental Utilities, LLC, for)
Permission, Approval, and a Certificate of)
Convenience and Necessity Authorizing it)
to Construct, Install, Own, Operate,)
Control, Manage and Maintain a Water)
System for the Public Located in)
Unincorporated Portions of Camden)
County, Missouri (Golden Glade)
Subdivision))
)

STAFF'S RESPONSE TO MOTION TO ESTABLISH LOCAL PUBLIC HEARING

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and in support of its Response to Motion to Establish Local Public Hearing, states:

1. On January 7, 2002, the Missouri Public Service Commission (Commission) convened a hearing regarding Environmental Utilities, LLC's application for a certificate of convenience and necessity. Pursuant to the Commission's Order Scheduling Second Day of Hearing, effective January 24, 2002, the hearing will be continued on March 4, 2002. A motion by the Hancock Construction Company is now pending to reschedule the second day of hearing.

2. On January 15, 2002, the Homeowners Associations of Harbour Ridge and Eagle Woods (Homeowners Associations) filed their Motion to Establish Local Public Hearing.

3. The Staff is generally not opposed to a local public hearing in this case. The Staff wishes to point out, however, that the proponents of the local public hearing,

namely the Homeowners Associations, are not parties to the case. The Homeowners Associations are also not in the Applicant's proposed service area. In fact, the members of the Eagle Woods Homeowners Association, are served by another water company, namely Osage Water Company. The homeowners of Eagle Woods, however, may have an interest in this Application, in that Environmental Utilities, LLC is proposed to be the wholesale provider to Osage Water Company. The homeowners of Harbor Ridge may have an interest in that their subdivision is adjacent to the service area proposed by Environmental Utilities, and thus service could possibly be made available to them at some time in the future.

4. The late timing of the request for a public hearing also poses scheduling difficulties. If the Commission decides to grant the request for the local public hearing, the Staff believes it is necessary to have the opportunity to address the information and concerns presented at the local public hearing. The Staff would suggest a prompt scheduling of the local hearing. The Staff would request an expedited transcript of the local public hearing and the opportunity for the parties to prefile supplemental testimony within 10 days of the receipt of the transcript, to address only the newly raised information. Supplemental testimony should only be provided by witnesses currently sponsored by the parties. Staff would then request the opportunity for cross-examination of witnesses limited to the newly raised information. The cross examination should occur at the second day of hearing.

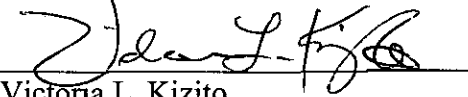
If the Commission decides to grant the request for the local public hearing, the Staff requests that the order establishing a local public hearing clearly state that the local

public hearing is being held to receive input from the public regarding matters that are at issue as have been submitted by the parties through the list of issues filed in the case.

WHEREFORE, the Staff does not oppose the Motion to Establish Local Public Hearing. If the Commission decides to grant the request for the local public hearing, the Staff requests a revised procedural schedule. The revised schedule should include an expedited transcript of the local public hearing, the prefiling of supplemental testimony by the witnesses currently sponsored by the parties relating only to the newly raised information. Cross-examination of witnesses relating to the newly raised information should occur at the second day of hearing. Finally, the order establishing a local public hearing should clearly state that the local public hearing is being held to receive input from the public regarding matters that are at issue as have been submitted by the parties through the list of issues filed in the case.

Respectfully submitted,

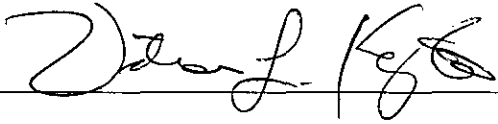
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Certificate of Service

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 25th day of January 2002.



**Service List for
WA-2002-65
Revised: January 25, 2002 (ccl)**

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